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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,596	07/27/2001	Mark A. Adams	16356.634 (DC-02914)	8710

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HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

EXAMINER

REILLY, SEAN M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/916,596	ADAMS ET AL.	
	Examiner	Art Unit	
	Sean Reilly	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to Applicant's amendment and request for reconsideration filed on August 21, 2006. Claims 1-30 are presented for further examination. All independent claims have been amended.

Response to Arguments

1. In response to Applicant's request for reconsideration filed on August 21, 2006, the following factual arguments are noted:
 - a. The term *power tag identifier* is clearly defined.
 - b. Neither Guheen nor O'Connor disclosed an identifier being linked to a configuration of systems and software, wherein the configuration is updated to reflect a customer's changing installed solution and whereby a customer may possess multiple such identifiers to reflect multiple installed solutions.

In considering (a), Examiner has removed the outstanding 112 2nd ¶ rejection with the understanding that a power tag identifier is any identifier that identifies a solution. Applicant has failed to provide an explicit definition for a power tag identifier however in light of Applicant's specification a power tag identifier can reasonably be interpreted as any identifier that identifies a solution.

In considering (b), Examiner respectfully disagrees with Applicant's arguments. Foremost, Guheen provides a system for selling product solutions. Each solution typically

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includes multiple computer systems and software packages. Although Guheen does not explicitly disclose associating each solution with an identifier, at the very least Guheen provides some method of associating purchased solutions (and their associated subcomponents) with customer profiles in order to provide customized support for the custom solution sold to each customer (see inter alia Col 239, lines 60-64). Furthermore, as maintained in the previous office action and this office action, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Guheen's system to identify customized production solutions by an identifier, as disclosed by O'Connor, so that the particular components of each product solution sold may be effectively identified and associated with that product solution (O'Connor Col 3, lines 11-34). Thus, in the combined Guheen and O'Connor system, Guheen's product solutions are each associated with a solution identifier.

Applicant asserted that Guheen and O'Connor failed to disclose updating a solution (and associated/linked solution identifier) to reflect a customer's changing installed solution. Examiner disagrees. Guheen clearly provided for monitoring and updating the changing aspects of a solution's hardware and/or software configuration (e.g. Asset management for the life of a product solution including both hardware, software, and the relationships between each, see inter alia Col 146, lines 17-26, Col 147, lines 12-20, Col 150, lines 36-42).

Applicant also asserted that the combined system of Guheen and O'Connor did not disclose that a customer may possess multiple solution identifiers to reflect multiple installed solutions. Examiner disagrees. Guheen's system clearly allowed users and/or organizations to purchase multiple solutions (see inter alia Col 177, lines 43-44) and would thus require multiple solution identifiers as applicable in the combined system.

Applicant must consider the combination of references as a whole. Applicant cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the instant case, the combined system associates a solution identifier with each solution in Guheen's system. Thus, the combined system clearly teaches an identifier being linked to a configuration of systems and software provided to be updated to reflect a customer's changing installed solution, whereby a customer may possess multiple such identifiers to reflect multiple installed solutions.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**
3. With regard to claims 1-30, the grammar in the newly added limitation "the solution identifier being linked to a configuration of systems and software provided to be updated to reflect a customer's changing installed solution" is cumbersome and should be rewritten. It is presumed that the solution identifier is linked to *a configuration* of systems and software, and *the configuration* is updated to reflect a customer's changing installed solution.
4. With regard to claims 8-14, the language "the web" in line 8 of claim 8 must be removed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen et al. (U.S. Patent Number 6,957,186; hereinafter Guheen) and O'Connor et al. (U.S. Patent Number 5,745,568; hereinafter O'Connor).

6. With regard to claims 1, 8, 9, 10, 15-18, 23, 29, and 30, Guheen disclosed a solutions-based computer system manufacturing process comprising:

- a. responsive to a customer order or plan, assembling distinct computer and storage system components for creation of a given solution-based product as a function of the customer order or plan (e.g. a customer orders an e-commerce solution including the necessary hardware and software components, see inter alia Col 14, lines 62-67, Col 177, lines 1-66, Col 187, lines 1-44, and Col 189, lines 12-64);
- b. providing an entry form for entering solution objects and service tags of components to identify a respective solutions-based system (solution purchase and registration of each component Col 239, lines 61-66) and providing custom support services as a function of the identified solutions-based system, the web services including dynamically generated web pages defining types of services (e.g. providing the customer web-based support for the solution purchased and associated with that particular login profile and customer; such support including a technical support

library and downloads of software fixes/updates among other, see inter alia Col 234, line 43 – Col 235, line 31 and Col 239, lines 60 – Col 240, line 16).

- c. the identified solutions-based system being linked to a configuration of systems and software provided to be updated to reflect a customer's changing installed solution (e.g. Asset management for the life of a sold product solution including both hardware, software, and the relationships between each, see inter alia Col 146, lines 17-26, Col 147, lines 12-20, Col 150, lines 36-42), whereby a customer may possess multiple installed solutions (e.g. user's or organization may purchase multiple solutions, Col 177, lines 43-44).

Guheen disclosed the invention substantially as claimed however, Guheen failed to specifically recite that the solution-based product is assigned a solution type and unique identifier. Nonetheless, Guheen's system at the very least provides some method of associating purchased solutions (and their associated subcomponents) with customer profiles in order to provide customized support for the custom solution sold to each customer (see inter alia Col 239, lines 60-64). Furthermore, it was widely known in the art at the time of Applicant's invention to identify solutions sold to customers by a solution type and unique identifier, as evidenced by at least O'Connor. In analogous system, O'Connor disclosed that customized solutions are assigned a solution type (model) and unique identifier (serial number) during the manufacturing process in order to properly identify the components of that particular product solution (O'Connor Col 3, lines 11-34). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Guheen's system to identify customized production solutions by an assigned solution type (model) and unique identifier (serial number), as disclosed

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by O'Connor, so that the particular components of each product solution sold may be effectively identified and associated with that product solution (O'Connor Col 3, lines 11-34).

7. With regard to claims 2 and 26, Guheen disclosed the solution-based product includes solution-based storage products (e.g. Business2 Directory server, Col 20, lines 40-45).

8. With regard to claims 3, 4, and 25, Guheen disclosed the solutions-based system includes at least an e-commerce configuration product ("electronic commerce" Col 19, lines 16-19).

9. With regard to claims 5, 11, and 13, Guheen disclosed the solution-based products includes at least one of component forming an integral part of a larger solution with complex interdependencies (e.g. the various components of the Business2 product that work together to facilitate e-commerce transactions, see inter alia Columns 19 and 20).

10. With regard to claims 6 and 27, Guheen disclosed associating service tags (any component identifier) of the components of a respective solution (i.e. solution registration of each component Col 239, lines 61-66) and in the combined Guheen and O'Connor system that solution is associated with a solution identifier (serial number, O'Connor Col 3, lines 11-34).

11. With regard to claims 7 and 28, Guheen and O'Connor failed to disclose storing the associated service tags in a table and indexing the table according to the solution identifier.

Nonetheless Examiner takes Official Notice that it was widely known in the art at the time of Applicant's invention to utilize a table for indexing components of a larger entity for the efficient storage and retrieval of the data. Thus, it would have been obvious to one ordinary skill in the art the time of the invention to store the associated service tags in a table and index the table according to the solution identifier, in order to provide for the efficient retrieval of the product

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solution and the components that comprise that product solution. The retrieval is more efficient since the format of the data is well structured and therefore readily accessible.

12. With regard to claim 12, Guheen disclosed providing an entry form for entering at least one of solution objects and service tags of additional components of a respective solutions-based system post issuance of the PowerTag identifier and responsive to a completion of the entering of the at least one of solution objects and service tags of the additional components, updating associated of the solution objects and service tags of the additional components with the PowerTag identifier, wherein the updated PowerTag identifier associations facilitate obtaining of custom service for additional components as a function of the PowerTag identifier (i.e. registration of the components the customer currently possesses; Col 239, lines 60-66).

13. With regard to claim 14, Guheen disclosed the claimed hardware and support features (see for example the hardware components of Business1 and Business2 product solutions Columns 15-22 and the necessary software updates required for each Col 235, lines 6-18; also see the levels of support provided and consulting services provided Col 239, line 60 – Col 240, line 18).

14. With regard to claim 19, Guheen disclosed web pages are a function of the type of support service being requested including at least one on-line support (see inter alia Col 234, line 43 – Col 235, line 31 and Col 239, lines 60 – Col 240, line 16).

15. With regard to claims 20-21, Guheen failed to specifically recite providing updates that include updates to a cluster configuration or the firmware of particular components. Nonetheless Guheen disclosed providing updates to all components of the solution sold (see inter alia, Col 235, lines 6-31). Furthermore Examiner takes Official Notice that clusters were widely utilized in computer solutions sold at the time of Applicant's invention. Examiner also takes Official

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Notice that hardware devices typically utilized firmware in order to boot and operate properly at the time of Applicant's invention. Thus, the solutions sold by Guheen would necessarily include both cluster configurations and/or hardware devices with firmware. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to provide updates to both cluster configurations and the firmware of various hardware devices when they are present in the solutions sold by Guheen since Guheen disclosed providing updates for the solution sold and the respective components within the that particular solution.

16. With regard to claim 22, Guheen disclosed determining a scope of work and any products required for use in an upgrading of the solutions-based product as a function of the identifier (Col 239, lines 39-48).

Conclusion

17. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 8, 2006



KRISNA LIM
PRIMARY EXAMINER